

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5083 of 2005

Between:

- 1 K.Veera Swamy, s/o late Sri Kunta Rajaiah,
r/o 7-1-280/A/1, Balkampet, Hyderabad.
- 2 Sri K.Venkatesh, s/o late Sri Kunta Rajaiah,
r/o 7-1-280/A/1, Balkampet, Hyderabad.
- 3 K.Ravinder Kumar, s/o late Sri Kunta Rajaiah,
r/o 7-1-280/A/1, Balkampet, Hyderabad.
- 4 K.Srinivas, s/o late Sri Kunta Rajaiah,
r/o 7-1-280/A/1, Balkampet, Hyderabad.
- 5 K.Satyanarayana, s/o late Sri Kunta Rajaiah,
r/o 7-1-280/A/1, Balkampet, Hyderabad.
- 6 K.Sri Hari, s/o late Sri Kunta Rajaiah
r/o 7-1-280/A/1, Balkampet, Hyderabad.
- 7 K.Suresh, s/o late Sri Kunta Rajaiah,
r/o 7-1-280/A/1, Balkampet, Hyderabad.
- 8 K.Ngesh @ Naga Raju, s/o late Sri Kunta Rajaiah,
r/o 7-1-280/A/1, Balkampet, Hyderabad.
- 9 K.Nagaraju, s/o late Sri Kunta Rajaiah,
r/o 7-1-280/A/1, Balkampet, Hyderabad.
- 10 K.Vijay Kumar, s/o late Sri Kunta Rajaiah,
r/o 7-1-280/A/1, Balkampet, Hyderabad.

... PETITIONERS

AND

- 1 Government of Andhra Pradesh rep., by its Principal Secretary,
Revenue (ASN.I) Department, Secretariat Building, Hyderabad.
- 2 Government of Andhra Pradesh, rep., by its District Collector,
Hyderabad District, Hyderabad.
- 3 Government of Andhra Pradesh rep., by its Joint Collector,
Hyderabad District, Hyderabad.
- 4 Mandal Revenue Officer, Ameerpet Mandal, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly, one in the nature of writ of mandamus, declaring the actions and threats of the respondents, more particularly the respondent No.4 in their attempts of demolishing the structures as illegal and arbitrary and without jurisdiction and consequently by directing them not to interfere with the peaceful possession

and enjoyment of the petitioners over the premises bearing

No.7-1-280/A/1 (Old No.7-1-280/A) covered by compound wall, situate at Bahloikhanguda Village, Balkampet, Ameerpet Mandal, Hyderabad District.

Counsel for the Petitioners: MR.G.DHANANJAI

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

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This writ petition is filed seeking declaration that the alleged action of the respondents particularly the fourth respondent-Mandal Revenue Officer in demolishing the structures of the petitioners as arbitrary and illegal.

The petitioners state that they are the absolute owners and possessors of the residential house bearing No.7-1-280/A/1, (old No.7-1-280/A) admeasuring 456 square yards, situated in Bahlolkhanguda Village, Bhalkampet, Ameerpet Mandal, Hyderabad District having purchased the same under a registered sale deed dated 25-04-1961. It is further stated that since the structure existing on the said land was in a dilapidated condition, the father of the petitioners having obtained the permission of the Municipal Corporation of Hyderabad, constructed a pucca house thereon. While so, after the death of the father of the petitioner on 01-06-2004 the fourth respondent has started interfering with the possession of the petitioners. Aggrieved by the alleged high-handed action of the respondents, this writ petition is filed contending *inter alia* that the action of the

respondents in interfering with their possession and enjoyment of the premises in question without following due process of law is arbitrary and illegal.

When the matter is taken up for consideration, the learned Government Pleader for Revenue, under instructions, states that it is true that there is a private land in T.S.No.12 of Block 'I' in Ward No.4, which is adjacent to Government land in T.S.No.11 of Block-I, Ward No.4 admeasuring 387.50 sq. mts. Which is classified as Government Abadi Land. However, the petitioners have demolished the old structures existing in their own land and constructed a three storied building by encroaching into the Government land in T.S.No.11-I-4 to an extent of 92.00 square metres and the said fact has been noticed by the authorities during the inspection of the Government lands.

Having regard to the facts and circumstances of the case, the Writ Petition is disposed of leaving it open to the respondents to take appropriate steps in accordance with law, in case it is found that the petitioners have encroached into the Government land situated in T.S.No.11-I-4. However, it is made clear that so far as their own land is concerned, the respondents shall not interfere with the possession of the petitioners without following due process of law.

The writ petition is accordingly disposed of. No order as to costs.

G. ROHINI, J

Dated: 15-03-2005

Note: Furnish C.C. in two days.

B/o.

LSK

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ASSISTANT REGISTRAR

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To

1 The Principal Secretary, Revenue (ASN.I) Department,
Government of Andhra Pradesh, Secretariat Building,
Hyderabad.

2 The District Collector, Hyderabad District, Hyderabad.

3 The Joint Collector, Hyderabad District, Hyderabad.

4 The Mandal Revenue Officer, Ameerpet Mandal, Hyderabad.

5 2 CCs to the G.P. for Revenue, High Court Buildings,
Hyderabad. (OUT)

6 2 CD copies